

ANNO REGNI

CAROLI

REGIS ANGLIÆ, SCOTIÆ,
FRANCIÆ, & HIBERNIÆ,
DECIMO SEPTIMO.

At the Parliament begun at *Westminster*,
the third day of November,
Anno Dom. 1640.

In the 16. year of the Reign of our
most gracious Sovereign Lord, CHARLES,
by the grace of God, of England,
Scotland, France, and Ireland King,
Defender of the Faith, &c.

LONDON,

Printed by ROBERT BARKER, Printer to the Kings
most Excellent Majestie: And by the Assignes
of JOHN BILL. 1641.

Cum Privilegio.





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¶ An Act for disinabling
all Persons in Holy Orders to ex-
ercise any Temporal Jurisdi-
ction or Authority.



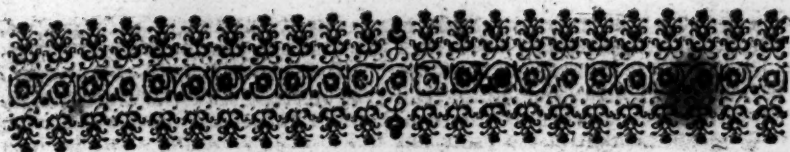
Whereas Bishops and other Persons in holy Orders ought not to be intangled with secular Jurisdiction (the Office of the Ministration being of such great Importance, that it will take up the whole Man) And for that it is found by long experience, that their intermeddling with secular Jurisdictions, hath occasioned great mischiefs and scandal both to Church and State; His Majesty, out of His Religious care of the Church and Souls of His People, is graciously pleased that it be Enacted, And by Authority of this present Parliament be it Enacted, That no Archbishop or Bishop or other person that now is, or hereafter shall be in Holy Orders, shall at any time, after the fifteenth day of February, in the year of our Lord One thousand six hundred fourtie one, have any Seat or Place, Suffrage or Voice, or use or execute any power or authority in the Parliaments of this Realm, nor shall be of the

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Private Conneel of His Majestie, His Heirs or Successors, or Justice of the Peace of Oyer and Terminer, or Goal-deliberie, or execute any Temporal authoritie by vertue of any Commission, But shall be wholly disabled, and be incapable to have, receive, use or execute any of the said Offices, Places, Powers, Authoritties and things aforesaid.

And be it further Enacted by the Authoritie aforesaid, That all Acts from and after the said fiftenth day of February, which shall be done or executed by any Archbishop or Bishop or other Person whatsoever in Holy Orders, and all and everie Suffrage or Voie given or delivered by them or any of them, or other thing done by them or any of them contrarie to the Purport and true meaning of this present Act, shall be utterlie void to all intents, constructions and purposes.

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An Act for repeal of a
Branch of a Statute primo Elizabethæ,
concerning Commissioners for
Causes Ecclesiasticall.



Whereas in the Parliament holden in the first year of the reign of the late Queen Elizabeth, late Queen of England, there was an Act made and established, Intituled, An Act restoring to the Crown the ancient Jurisdiction over the State Ecclesiastical and Spiritual, and abolishing all foreign power repugnant to the same; In which Act, amongst other things, there is contained one Clause, Branch, Article or Sentence, whereby it was Enacted to this effect; Namely, that the said late Queens Highnesse, her heirs and successors sh^o go or Queens of this Realm, should have full power and authoritie by vertue of that Act by Letters Pattents under the great Seal of England, to assigne, name and authorize, when, and as often as her Highnesse, her heirs or Successors should think meet and convenient, and soe such, and so long time as should please her Highnesse, her heirs or Successors, such person or persons being natural born Subiects to her Highnesse, her heirs or Successors, as her Highnesse, her heirs or Successors should think meet to exercise, use, occupie and execute under her Highnesse, her heirs and Successors, all manner of Jurisdictions, Priviledges and Preeminences, in any wise touching or concerning any Spiritual or Ecclesiastical Jurisdiction within these her Realmes of England and Ireland, or any other her Highnesse Dominions and Countreies,

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tries, and to visit, reform, redresse, order, correct and amend all such errors, heresies, schismes, abuses, offences, contempts and enormities whatsoever, which by any manner Spiritual or Ecclesiastical power, authoritie or Jurisdiction, may lawfully be reformed, ordered, redressed, corrected, restrained or amended, to the pleasure of Almighty God, the increase of vertue, and the conservation of the peace and unite of this Realme: And that such person or persons so to be named, assigned, authorized and appointed by her Highnesse, her Heirs or Successors after the said Letters Pattents to him or them made and delivered, as aforesaid, should have full power and authoritie, by vertue of that Act, and of the said Letters Pattents under her Highnesse, her Heirs or Successors to exercise, use and execute all the premises, according to the tenour and effect of the said Letters Pattents, any matter or cause to the contrarie in any wise notwithstanding.

And whereas by colour of some words in the foresaid Branch of the said Act, whereby Commissioners are authorized to execute their Commission according to the tenour and effect of the Kings Letters Pattents, and by Letters Pattents grounded thereupon, the said Commissioners have to the great and insufferable wrong and oppression of the Kings Subjects, used to fine and imprison them, and to exercise other authoritie not belonging to Ecclesiastical Jurisdiction reposed by that Act, and divers other great mischiefs and inconveniences have also ensued to the Kings Subjects, by occasion of the said Branch and Commissions issued thereupon, and the executions thereof: Therefore for the redressing and preventing of the foresaid abuses, mischiefs and inconveniences in time to come;

Be it enacted by the Kings most Excellent Majestie, and the Lords and Commons in this present Parliament assembled, and by the authoritie of the same, That the foresaid Branch Clause, Article or Sentence contained in the said Act, and every word, matter and thing contained in that Branch, Clause, Article or Sentence; shall from henceforth be repealed, annulled, revoked, annihilated and utterlie made void for ever, any thing in the said Act to the contrarie in any wise notwithstanding.

And be it also enacted by the authoritie aforesaid, That no Archbishop, Bishop, nor Vicar general, nor any Chancellour, Official, nor Commissarie of any Archbishop, Bishop or Vicar general, nor any Ordinary whatsoever, nor any other Spiritual or Ecclesiastical Judge, Officer or Minister of Justice, nor any other person or persons whatsoever, exercising Spiritual or Ecclesiastical power, authoritie or Jurisdiction, by any Grant, License or Commission of the Kings Majestie, his Heirs or Successors, or by any power or authoritie derived from the King, his Heirs or Successors, or otherwise shall from and after the first day of August, which shall be in the year of our Lord God one thousand six hundred forty and one, always impose or inflict any pain, penaltie, fine, amercement, imprisonment, or other corporal punishment upon any of the Kings Subjects, for any contempt, misdemeanor, crime, offence, matter or thing whatsoever, belonging to Spiritual or Ecclesiastical cognizance or Jurisdiction, of shall execute or at the instance or promotion of any other person whatsoever, urge, enforce, tender, give or minister unto any Churchwarden, Steward or other person whatsoever any corporal oath, whereby he or she shall or may be charged or obliged to make any presentment, of any crime or offence, or to confesse or to accuse him or her self of any crime, offence, delinquencie or misdemeanor, or any neglect, matter or thing whereby or by reason whereof he or she shall or may be liable or exposed to any censure, pain, penaltie or punishment whatsoever, upon pain, and penaltie that every person, who shall offend contrarie to this Statute, shall forfeit and pay trebble damages to every person thereby grieved, and the sum of one hundred pounds to him or them who shall first demand and sue for the same, which said trebble damages and sum of one hundred pounds shall and may be demanded and recovered by action of debt, bill, or plaint

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plaint in any Court of Record, wherein no privilege, Escoine, protection or wager of Law shall be admitted or allowed to the Defendant. And be it further enacted, That every person who shall be once convicted of any one or offence, prohibited by this Statute, shall for such act or offence be and after such conviction utterly disabled to be or continue in any office, or employment, in any Court of Justice whatsoever: or to exercise or execute any power, authority, or Jurisdiction, by force of any Commission, or Letters Patents of the King, his Heirs or Successors.

And be it further Enacted, That from and after the said first day of August, no new Court shall be created, ordained or appointed within this Realm of England, or Dominion of Wales, which shall or may have the like power, Jurisdiction or authority, as the said high Commission Court now hath or pretendeth to have. But that all and every such Letters Patents, Commissions and Grants made or to be made by his Majesty, his Heirs or Successors,

And all powers and authorities granted or pretended or mentioned to be granted thereby, and all Acts, Sentences and Decrees to be made by virtue or colour thereof shall be utterly void, and of none effect.

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¶ An Act for regulating of
the Privy Councell, and for taking
away the Court commonly
called the *Star-Chamber*,



Hereas by the great Charter many times confirmed in Parliament, It is enacted, That no Freeman shall be taken or imprisoned, or disseised of his Freehold or Liberties, or free Customes, or be Outlawed or exiled, or otherwise destroyed, and that the King will not passe upon him, or condemn him but by lawful Judgment of his Peers, or by the Law of the Land: And by another Statute made in the fifth year of the Reign of King Edward the third, It is Enacted, That no Man shall be attached by any accusation, nor forejudged of life or lim, nor his Lands, Tenements, Goods nor Chattels seised in to the Kings hands against the form of the great Charter, and the Law of the Land: And by another Statute made in the fifth and twentieth year of the Reign of the same King Edward the third, It is accorded, assented and established,

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established, that none shall be taken by petition, or suggestion made to the King or to his Council, unless it be by Indictment, or Presentment of good and lawfull people of the same neighbourhood where such debts be done, in due manner, or by Process made by Writ Original at the common Law, and that none be put out of his franchise or freehold, unless he be duly brought in to answer, and forejudged of the same by the course of the Law, and if any thing be done against the same, it shall be redressed and holden for none. And by another Statute made in the eight and twentieth year of the Reign of the same King Edward the third, It is amongst other things Enacted, that no man of what estate or condition soever he be, shall be put out of his Lands or Tenements, nor taken nor imprisoned, nor disinherited, without being brought in to answer by due Process of Law; And by another Statute made in the two & fortieth year of the Reign of the said King Edward the third, It is Enacted, that no man be put to answer without presentment before Justices, or matter of Record, or by due Process and Writ original, according to the old Law of the Land, and if any thing be done to the contrary, it shall be void in Law and holden for none. And by another Statute, made in the six and thirtieth year of the said King Edward the third, It is amongst other things Enacted, That all pleas which shall be pleaded in any Courts before any the Kings Justices, or in any other places, or before any of his other Ministers, or in the Courts and places of any other Lords within the Realm, shall be entered and enrolled in Latine. And whereas by the Statute made in the third year of King Henry the seventh, power is given to the Chancellor, the Lord Treasurer of England for the time being, and the Keeper of the Kings Privy Seal or two of them, calling unto them a Bishop and Temporal Lord of the Kings most honourable Council, and the two chief Justices of the Kings Bench and common Pleas for the time being, or other two Justices in their absence to proceed, as in that Act is expressed, for the punishment of some particular offences therein mentioned, And by the Statute made in the one and twentieth year of King Henry the eighth, The President of the Council is associated to joyn with the Lord Chancellor and other Judges in the said Statute, of the third of Henry the seventh mentioned, But the said Judges have not kept themselves to the points limited by the said Statute, but have undertaken to punish where no Law doth warrant, and to make Decrees for things having no such authoritie, and to inflict heavier punishments than by any Law is warranted.

And forasmuch as all matters examinable, or determinable before the said Judges, or in the Court commonly called the Star-chamber, may have their proper remedy and redresse, and their due punishment, and correction by the common Law of the Land, and in the ordinary course of Justice elsewhere; And forasmuch as the reasons and motives inducing the erection and continuance of that Court be now cease, and the proceedings, Censures and Decrees of that Court, have by experience been found to be an intolerable burthen to the Subject, and the means to introduce an arbitrarie power and Government; And forasmuch as the Council Table, hath of late times assumed unto it self, a power to intermeddle in Civil causes and matters, only of private interest between party and partie, and have adventured to determine of the Estates and Liberties of the Subject, contrarie to the Law of the Land, and the rights and privileges of the Subject, by which great and manifold mischiefs and inconveniences have arisen and happened, and much incertainty by means of such proceedings hath been conceived concerning mens rights, and estates; For settling whereof, and preventing the like in time to come;

Be it Enacted and Enacted by authoritie of this present Parliament, That the said Court commonly called the Star-Chamber, and all Jurisdiction, power and authoritie belonging unto, or exercised in the same Court, or by any the Judges, Officers or Ministers thereof, be from the first day of August, in the year of our Lord God, one thousand six hundred fourtie and one,

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clearly and absolutely dissolved, taken away and determined, and that from the said first day of August, neither the Lord Chancellor, or Keeper of the great Seal of England, the Lord Treasurer of England, the Keeper of the Kings Privy Seal, or President of the Council, nor any Bishop, Temporal Lord, Bishop, Counsellor, or Judge, or Justice whatsoever, shall have any power or authority to hear, examine, or determine any matter or thing whatsoever, in the said Court commonly called the Star Chamber, or to make, pronounce, or deliver any Judgment, Sentence, Order or Decree, or to do any Judiciall or Ministeriall Act in the said Court: And that all and every Act and Acts of Parliament, and all and every Article, Clause and Sentence in them and every of them, by which any Jurisdiction, power, or authority is given, limited or appointed unto the said Court, commonly called the Star Chamber, or unto all, or any the Judges, Officers, or Ministers thereof, or for any proceedings to be had or made in the said Court, or for any matter or thing to be drawn into question, examined, or determined there, shall so much as concerneth the said Court of Star Chamber, and the power and authority thereby given unto it, be from the said first day of August repealed, and absolutely revoked and made void.

And be it likewise enacted, That the like Jurisdiction now used and exercised in the Court before the President, and Council in the Marches of Wales, and also in the Court, before the President, and Council established in the Northern parts: And also in the Court commonly called the Court of the Duchie of Lancaster, held before the Chancellor, and Council of that Court: and also in the Court of Exchequer, of the County Palatine of Chester, held before the Chamberlain and Council of that Court; The like Jurisdiction being exercised there, shall from the said first day of August, one thousand six hundred forty and one, be also repealed, and absolutely revoked and made void, any Law, Prescription, Custom or usage, or the said Statute, made in the third year of King Henry the seventh, or the Statute, made the one and twentieth of Henry the eighth, or any Act or Acts of Parliament heretofore had or made, to the contrary thereof in any wise notwithstanding, and that from henceforth no Court, Council, or place of Judicature shall be erected, obtained, constituted or appointed within this Realm of England, or Dominion of Wales, which shall have, use or exercise the same, or the like Jurisdiction, as is, or hath been used, practised, or exercised in the said Court of Star Chamber.

Be it likewise declared and enacted by authority of this present Parliament, That neither his Majestie, nor his Privy Council, have, or ought to have any Jurisdiction, power, or authority, by English Bill, Petition, Articles, Libell, or any other arbitrary way whatsoever, to examine, or draw into question, determine or dispose of the Lands, Tenements, Hereditaments, Goods or Chattels, of any the Subjects of this Kingdom: But that the same ought to be tried, and determined in the ordinary Courts of Justice, and by the ordinary course of the Law.

And be it further provided and enacted, That if any Lord Chancellor, or Keeper of the great Seal of England, Lord Treasurer, Keeper of the Kings Privy Seal, President of the Council, Bishop, Temporal Lord, Bishop, Counsellor, Judge, or Justice whatsoever, shall offend, or do any thing contrary to the purport, true intent and meaning of this Law. Then he or they shall for such offence, forfeit the sum of five hundred pounds of lawful money of England, unto any party grieved, his Executors or Administrators, who shall really prosecute for the same, and first obtain Judgment thereupon, to be recorded in any Court of Record at Westminster, by action of Debt, Bill, Plaint, or Information, wherein no Chaine, Protection, Waiver of Law, Aid, Prayer, Priviledge, Injunction, or Order of restraint shall be in any wise prayed, granted or allowed, nor any more than one Imparllance. And if any person, against whom any such Judgment, or Recovery shall be had

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had as aforesaid, shall after such Judgment, or Recovery offend again in the same, then he or they for such offence shall forfeit the sum of one thousand pounds of lawful money of England unto any party grieved, his Executors or Administrators, who shall really prosecute for the same, and first obtain Judgment thereupon to be recorded in any Court of Record at Westminster, by action of Debt, Bill, Plaint, or Information, in which no Chaine Protection, Wager of Law, widd. Prayer, Priviledge, Injunction or Order of Restraint shall be in any wise prayed, granted or allowed, nor any more than one Imparllance. And if any person against whom any such second Judgment or Recovery shall be had as aforesaid, shall after such Judgment or Recovery offend again in the same kind, and shall be thereof duly convicted by Indictment, Information, or any other lawful way or means, that such person so convicted shall be from thenceforth disabled, and become by vertue of this Act incapable to so doo, to bear his and their said Office, and Offices respectively, and shall be likewise disabled to make any Gift, Grant, Conveyance, or other disposition of any his Lands, Tenements, Hereditaments, Goods or Chattels, or to take any benefit of any Gift, Conveyance, or Legacy to his own use.

And every person so offending shall likewise forfeit and lose unto the party grieved, by any thing done contrary to the true intent and meaning of this Law, his trebble damages, which he shall sustain, and be put unto by means or occasion of any such Act, or thing done, the same to be recovered in any of His Majesties Courts of Record at Westminster, by action of Debt, Bill, Plaint, or Information, wherein no Chaine Protection, Wager of Law, Aid, Prayer, Priviledge, Injunction or Order of Restraint, shall be in any wise prayed, granted, or allowed, nor any more than one Imparllance.

And be it also provided and enacted, That if any person shall hereafter be committed, restrained of his libertie, or suffer imprisonment by the Order or Decree of any such Court of Star-Chamber, or other Court aforesaid now, or at any time hereafter, having or pretending to have the same, or like Jurisdiction, Power or authority to commit, or imprison as aforesaid, Or by the Command or Warrant of the Kings Majestie, his Heirs or Successours in their own person, or by the Command or Warrant of the Council-board, or of any of the Lords, or others of his Majesties Privy-Council. That in every such case every person so committed, restrained of his libertie, or suffering imprisonment, upon demand or motion made by his Counsel, or other employed by him for that purpose, unto the Judges of the Court of Kings Bench, or Common Pleas, in open Court, shall without delay, upon any pretence whatsoever, for the ordinary Fees usually paid for the same, have forthwith granted unto him a Writ of Habeas Corpus, to be directed generally unto all and every Sheriffs, Goaler, Minister, Officer, or other person, in whose custodie the partie committed or restrained shall be, and the Sheriffs, Goaler, Minister, Officer, or other person, in whose custodie the partie so committed or restrained shall be, shall at the return of the said Writ, and according to the Command thereof, upon due and convenient notice thereof given unto him, at the charge of the partie who requireth or procureth such Writ, and upon securitie by his own bond given, to pay the charge of carrying back the Prisoner, if he shall be remanded by the Court, to which he shall be brought, as in like cases hath been used, such Charges of bringing up and carrying back the Prisoner, to be alwaies ordered by the Court, if any difference shall arise thereabout, bring or cause to be brought the bodie of the said partie so committed, or restrained, unto and before the Judges or Justices of the said Court, from whence the same Writ shall issue in open Court, and shall then likewise certify the true cause of such his deteinour or imprisonment, and thereupon the Court within three Court-daies after such return made and delivered in open Court, shall proceed to examine and determine whether the cause of such Commitment appearing upon the said return be just and legal, or not, and shall

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shall thereupon do what to justice shall appertain, either by delivering, bailing, or remanding the Prisoner. And if any thing shall be otherwise wilful, lie done or omitted to be done by any Judge, Justice, Officer, or other person aforesaid, contrary to the direction and true meaning hereof, That then such person so offending shall forfeit to the partie grieved, his trebble damages, to be recovered by such means and in such manner, as is formerlie in this Act limited and appointed for the like penaltie to be sued for and recovered.

Provided alwaies, and be it enacted, That this Act, and the several Clauses therein contained, shall be taken and expounded to extend only to the Court of Star Chamber, and to the said Courts holden before the President, and Council in the Marches of Wales, and before the President and Council in the Northern Parts: And also to the Court commonly called the Court of the Duchy of Lancaster, holden before the Chancellor and Council of that Court: And also in the Court of Exchequer of the County Palatine of Chester, held before the Chamberlain and Council of that Court. And to all Courts of like Jurisdiction to be hereafter created, ordained, constituted or appointed as aforesaid: And to the Warrants and Directions of the Council-board, and to the Commitments, restraints and imprisonments of any person or persons made, commanded, or awarded by the Kings Majesty, his Heirs or Successours in their own person, or by the Lords and others of the Privy Council, and every one of them.

And lastly, provided, and be it enacted, That no person or persons shall be sued, impleaded, molested or troubled for any offence against this present Act unless the party supposed to have so offended, shall be sued or impleaded for the same within two years at the most after such time wherein the said offence shall be committed.